



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,784	07/22/2003	James E. Ackleson	NORTE-505A	7457

7590 10/07/2004

Bruce B. Brunda
STETINA BRUNDA GARRED & BRUCKER
Suite 250
75 Enterprise
Aliso Viejo, CA 92656

EXAMINER

BAREFOOT, GALEN L

ART UNIT PAPER NUMBER

3644

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,784	Applicant(s) ACKLESON ET AL.	
	Examiner Galen L Barefoot	Art Unit 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

This application has been filed with informal drawings which are acceptable for examination purposes only. However Formal drawings are required with a response to this office action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,4-9,12,13,17,18,21,22,24-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fransson et al (6619178).

Fransson et al is a 102b reference as of the PCT Pub Date of 10/12/2000. Fransson et al shows the conformal countermeasure adapter 2.

1. Claims 1-2,4-9,12,13,17,18,21,22,24-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Hanes, Jr. (4421007).

Hanes, jr. shows the conformal countermeasure adapter 18.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3644

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3,16,23,26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanes, Jr. or Fransson et al in view of Hibma et al (6231002).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the countermeasure means of Hanes, Jr or Fransson et al a stand alone unit as taught by Hibma et al (6231002). The use of diagnostic testing in computer system is obvious and well known.

Claims 10-11,12,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanes, Jr. or Fransson et al in view of Warm et al (5600434).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the countermeasure device of Hanes, Jr. or Fransson et al with a laser turret as taught by 18 of Warm et al.

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanes, Jr. or Fransson et al in view of Warm et al (5600434) as above and further in view of Hibma et al (6231002).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the countermeasure device of Hanes, Jr. or Fransson et al with a laser turret as taught by 18 of Warm et al.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the countermeasure means of Hanes, Jr or Fransson et al a stand alone unit as taught by Hibma et al (6231002).

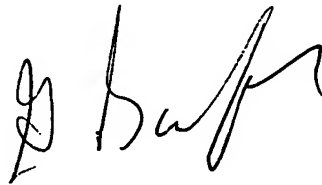
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Galen L Barefoot whose telephone number is 703-308-2567.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on 703-305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

September 30, 2004

A handwritten signature in black ink, appearing to read 'G. Barefoot', written in a cursive style.

**Galen Barefoot
Primary Examiner
Technology Center 3644**